

MINUTES
WASHINGTON COUNTY ZONING BOARD OF ADJUSTMENTS
May 7th, 2020
5pm, Virtual Meeting via Zoom

DEVELOPMENT REVIEWED:

ACTION TAKEN:

VARIANCE HEARING

County

a. Minor Subdivision Replat Lots 5, 6, & 7 War Eagle Bend Variance

Approved

1. ROLL CALL: *Roll call was taken. Members present include Randy Laney, Robert Daugherty, Walter Jennings, Joel Kelsey, Jay Percy, Philip Humbard and Neil Helm. All Board Members were present.*

2. APPROVAL OF THE AGENDA: *Robert Daugherty made a motion to approve the agenda as written. Joel Kelsey seconded. All board members were in favor of approving. Motion passed.*

3. NEW BUSINESS

VARIANCE HEARING

County

a. Minor Subdivision Replat Lots 5, 6, & 7 War Eagle Bend Variance

Variance Request for a waiver to not have to conduct soil analysis

Location: Section 19, Township 18, Range 28

Applicant: Bates & Associates

Location Address: 22839 Ellenbarger Road

Approximately: +/- 2.84 acres / 3 lots

Coordinates: Latitude: 36.21282600, Longitude: -94.00516704

Project #: 2020-086 Planner: Sita Nanthavong email: snanthavong@co.washington.ar.us

REQUEST: The applicant is requesting a variance to omit soil work from a Designated Representative of the Arkansas Department of Health.

CURRENT ZONING: This project lies within the County Zoned area (Agricultural/Single-Family Residential 1 unit per acre).

PLANNING AREA: This project is not located within a Planning Area. It is located solely within the County's jurisdiction.

QUORUM COURT DISTRICT: District 15, Patrick Deakins Rural

FIRE SERVICE AREA: Nob Hill

SCHOOL DISTRICT: Springdale

INFRASTRUCTURE:

Water- Springdale Water
Electric- Ozarks Electric Natural Gas- None
Telephone- AT&T
Cable- None

BACKGROUND/PROJECT SYNOPSIS:

The applicant, Bryan Taylor, with representation from Justin Reid of Bates and Associates Inc., is requesting a variance to omit soil work from a Designated Representative (D.R.) of the Arkansas Department of Health usually required at the submission of a Minor Subdivision/Replat request. The variance is for the Preliminary and Final Minor Subdivision Replat to allow Lots 5, 6, and 7 to be adjusted into Lots 6A and 7A. The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre. The project parcels are not in a planning area. The current lots and their proposed configurations will not be improved with structures that will require plumbing. Additionally, the lots are primarily comprised of fill dirt and would not be suitable for septic due to the soils having been disturbed due to grading. Emails to the Arkansas Department of Health indicate that the Department of Health currently has no issues with the proposed replat. However, should there be another home proposed or other structure that would require water, then the developer would need to apply for septic permits through the State.

Original
Parcel 524-02784-000
Lot 5 0.47 acres
Owned by Todd & Crystal Krawchuk

Parcel 524-02785-000
Lot 6 0.46 acres

Owned by Todd & Crystal Krawchuk

Parcel 524-02786-000
Lot 7 1.87 acres Owned by Bryan Taylor

Proposed:
Lot 6A
0.93 acres
To be owned by Todd & Crystal Krawchuck

Lot 7A
1.87 acres

To be owned by Bryan Taylor

STAFF RECOMMENDATION: Staff recommends approval of this variance request.

Washington County Planning Senior Planner, Sita Nanthavong, presented the staff report for the Board Members.

Joel Kelsey, Planning Board Member, inquired, "Can you explain what they are wanting to do again? What are they omitting?"

Sita Nanthavong replied, "The soil work. Usually we have soil work performed by the Health Department and the soil work states whether or not a piece of property is suitable for septic. They would like to omit that for these three parcels."

Joel Kelsey asked, "If it's approved without it, and they decide to build they will have to come back?"

Sita Nanthavong answered, "They will have to come back. They will have to go through the Health Department and do whatever it is they have to do to make it right, because they disturbed a bunch of soil. It's primarily all disturbed."

Public Comment

Marsha Seaton, Member of the public, addressed the Board, “We have two questions. One of them is the angle of the line being drawn between the current lots 7 & 6. Why was there a northeasterly angle to connect the lots instead of just a northern angle?”

Nathan Crouch, Planning Director, responded, “Sir, this agenda item is just for Variance for soil work. After this Zoning Board of Adjustments Meeting we are going to adjourn. Then we will reconvene the Planning Board Meeting and that Minor Subdivision Replat will occur during the Planning Board Meeting. Right now we are only talking about the Variance for soil work. We will pick you back up then.”

Randy Janes, Member of the public, addressed the Board, “What we are concerned about is lighting on this property. They are on overnight, all the time.”

Nathan Crouch reiterated, “This agenda item is just for the Variance from the septic requirement for soil work. We will be hearing specifics on that project on the following meeting. This meeting has one item and it has to do with just septic system requirements.”

Public Comment Closed

Joel Kelsey questioned, “Sita, can you go back to the picture that showed the property with the trucks, porta potty. What are they planning on doing there? It looks like they are putting something in that might require septic.”

Randy Laney, Planning Board Chairman, replied “That would be their problem especially if we approve it.”

Justin Reid, with Bates and Associates applicant for the proposed project, addressed the Board, “I just wanted to add real quick. What you see here is the entrance and exit to the western most parcel that Brian Taylor owns. Brian is currently building a new house. Not on this subject property, but he does own a lot of this property that we are dealing with. The road that you see in and out is for hauling in fill and bringing out fill. Brian’s house is going to require some pretty good retaining walls and fill work. That is what you see here. Basically just some construction equipment for construction of a new house that is not part of this Replat project.”

Randy Laney thanked, “That is very helpful.”

Philip Humbard made a motion to approve the **Minor Subdivision Replat Lots 5, 6, & 7 War Eagle Bend Variance** subject to staff recommendations. Neil Helm seconded. All Board Members were in favor of approving. Motion passed.

4. Adjourn

Robert Daugherty moved to adjourn. Joel Kelsey seconded. All Board members were in favor of approving. Motion passed.

Zoning Board of Adjustments adjourned.

Minutes submitted by: Juliana Mendoza

Approved by the Planning Board on:

_____ Date: _____
Randy Laney, Planning Board Chairman

MINUTES
WASHINGTON COUNTY PLANNING BOARD
May 7th, 2020
Following the ZBA Meeting, Virtual Meeting via Zoom

DEVELOPMENTS REVIEWED: **ACTION TAKEN**
CONDITIONAL USE PERMIT HEARINGS

County

a. James Royal Storage CUP **Approved**

County

b. Hilltop Estates Lots 5A & 5B CUP **Approved**

LAND DEVELOPMENT HEARINGS

County

c. Minor Subdivision Replat Lots 5A & 5B Hilltop Estates **Approved**

Farmington Planning Area

d. Little Elm Final Subdivision **Approved**

County

e. Minor Subdivision Replat Lots 5, 6, & 7 War Eagle Bend **Approved**

CONDITIONAL USE PERMIT HEARING

West Fork Planning Area

f. Local Ghost Distillery CUP **Approved**

1. ROLL CALL: *Roll call was taken. Members present include Randy Laney, Walter Jennings, Robert Daugherty, Philip Humbar, Neil Helm, Jay Pearcy and Joel Kelsey. All Board Members were present.*

2. APPROVAL OF MINUTES: *Robert Daugherty made a motion to approve the minutes of February 27, 2020. Joel Kelsey seconded. All Board Members were in favor of approving. Motion passed.*

3. APPROVAL OF THE AGENDA: *Robert Daugherty made a motion to approve the agenda as written. Joel Kelsey seconded. All Board Members were in favor of approving. Motion passed.*

4. NEW BUSINESS

CONDITIONAL USE PERMIT HEARINGS

County

a. James Royal Storage CUP

Conditional Use Permit Request

Location: Section 31, Township 15, Range 31

Applicant: GR Smith Civil Engineering

Location Address: 12585 Cove Creek Rd

Approximately: +/- 53.71 acres / 1 parcel

Coordinates: Latitude: 35.93643697, Longitude: -94.31266112

Project #: 2020-070

Planner: Nathan Crouch email: ncrouch@co.washington.ar.us

REQUEST: Conditional Use Permit approval to allow storage facility land-use on a parcel of land that is 52.3 acres in size.

CURRENT ZONING: Project lies within the County's Zoned area (Agriculture/Single-Family Residential 1 unit per acre).

PLANNING AREA: This project is not located in a city planning area. It is solely within Washington County's jurisdiction.

FUTURE LAND USE: N/A- No Future Land Use has been designated at this location.

PARCEL #: 001-08206-000

QUORUM COURT DISTRICT: District 13 Willie Leming Rural – 105

SCHOOL DISTRICT: Prairie Grove

FIRE SERVICE AREA: Prairie Grove

INFRASTRUCTURE: Water- Washington Water Authority

Electric-Ozarks Electric

Natural

Gas- N/A

Telephone- PG TelCo

Cable- N/A

BACKGROUND/ PROJECT SYNOPSIS:

The applicant, James Royal, is requesting Conditional Use Permit approval for storage facility land use on his 52.3 acre property. The request is for 3 storage unit buildings at 2,100, 2,400, and 4,200 sq ft. No restrooms are proposed, but an onsite fire hydrant is.

TECHNICAL CONCERNS:

Washington Water Authority:

Washington Water Authority provided the following comments:

1. If water service is desired in the future, please fill out a Request for Water Service Form, found on the WWA website (<https://washingtonwater.org>) and submit to the WWA office.
2. This property is served from a 6" water main, running along the west side of N Cove Creek RD. This main is not of adequate size to provide fire flows (maximum flow of 606 GPM @ 20 PSI).
3. WWA will install a FH on the property at the request of the Fire Marshal, at the owner's expense. Please contact the WWA office if you wish to move forward with the project and for final pricing.
4. If an access drive is to be installed over the water main that is subject, but not limited, to traffic loading beyond conventional residential use or fire apparatus compaction standards, the water main will need to be encased at the owner's expense and under the supervision of WWA staff. Please provide an engineered detail of the encasement. Contact the WWA office for more details.
5. Please remove the Keypad Access from the Utility Easement associated with the water main.

Fire Code:

Approved emergency apparatus turnaround is required, along with siren activated gate, 26 ft minimum width and 38 ft minimum radii, and "No Parking – Fire Lane" signs on all fire lanes.

Any additional fire code compliance issues will be coordinated with, and inspected by, the Washington County Fire Marshal's office.

Septic:

No water service is being requested except for the fire hydrant, so no soil analysis is required.

Electric/Gas/Cable/Phone:

Generally, any damage or relocation of utilities will be at the expense of the owner/applicant.

Ozarks Electric provided the following conditions:

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions.
Wes Mahaffey At (479)263-2167, or wmahaffey@ozarksecc.com

5. 30ft. U.E. ALONG EXISTING OVERHEAD LINE ON PROPERTY

Roads/Sight Visibility:

This proposal accesses off Cove Creek North Road (WC-21).
Sight distance is adequate in both directions.

Drainage:

The Washington County Contract Engineer has provided comments on this proposed project, and the Project Engineer is coordinating with the County Engineer for compliance with stormwater drainage requirements.

Environmental:

At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Signage/Lighting/Screening:

Typical concerns:

1. All outdoor lighting must be shielded from neighboring properties.
2. Any lighting must be indirect and not cause disturbance to drivers or neighbors.
3. All security lighting must be shielded appropriately.
4. No signage is allowed inside the county road right-of-way.
5. If a sign is desired, it shall be limited to 24 sq ft. and, if lit, shall utilize down-lighting as opposed to up-lighting or internal lighting.
6. If a dumpster is desired in the future, it must be screened with an opaque material, to include the gate.

COMPATIBILITY CONCERNS:

Surrounding Uses:

The surrounding uses are single family residential and agricultural.

With the intermittent, low traffic volume typically generated by a storage facility, Planning Staff doesn't feel this proposed commercial storage facility will generate enough traffic to be detrimental to the neighbor's current use and enjoyment of their properties.

Staff feels that the applicant's request can be made compatible with the surrounding uses already occurring in the vicinity.

County's Land Use Plan (written document):

According to the County's Land Use Map, there is no Future Land Use designation at this location.

Future Land Use Plan

There is no future land use designation at this location.

SITE VISIT:

A site visit was conducted by planning staff on April 29, 2020. No issues were found at that time. Please see attached pictures of road access.

NEIGHBOR COMMENTS/CONCERNS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project.

No comments have been received at the time of this Staff Report. Staff will update the Planning Board at the meeting if any comments are received.

STAFF'S RECOMMENDED CONDITIONS OF APPROVAL: Staff recommends the following conditions of approval for this CUP request.

Utility Conditions:

1. Generally, any damage or relocation of utilities will be at the expense of the owner/applicant.

Washington Water Authority Conditions:

1. If water service is desired in the future, please fill out a Request for Water Service Form, found on the WWA website (<https://washingtonwater.org>) and submit to the WWA office.
2. This property is served from a 6" water main, running along the west side of N Cove Creek RD. This main is not of adequate size to provide fire flows (maximum flow of 606 GPM @ 20 PSI).
3. WWA will install a FH on the property at the request of the Fire Marshal, at the owner's expense. Please contact the WWA office if you wish to move forward with the project and for final pricing.
4. If an access drive is to be installed over the water main that is subject, but not limited, to traffic loading beyond conventional residential use or fire apparatus compaction standards, the water main will need to be encased at the owner's expense and under the supervision of WWA staff. Please provide an engineered detail of the encasement. Contact the WWA office for more details.
5. Please remove the Keypad Access from the Utility Easement associated with the water main.

Fire Conditions:

1. Make loop around buildings the turnaround for Fire Apparatus leaving space for outdoor parking if wanted. Make sure outdoor parking is defined and not in the fire apparatus road.
2. Show fire extinguishers with a maximum of 75' travel distance from any point in the storage units.
3. Fire wall or sprinkler system is required for buildings 2,500 sq. ft. or larger.
4. Siren activated gate is required.
5. 38' radius on both sides of entrance. Consider moving to sound entrance area. Is so, move hydrant as well.
6. "Fire Lane – No Parking" sign on each building.

Septic Conditions:

1. No septic system is proposed. If a septic system is desired in the future, please follow all rules and regulations of the Arkansas Department of Health.

Roads/Sight Visibility/Parking Conditions:

1. All entrance drives and parking areas must support 75,000lbs in all weather conditions.
2. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.

Drainage Conditions:

1. Project engineer shall coordinate with the County Engineer for compliance with county stormwater drainage requirements.

Environmental Conditions:

1. At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Utility Conditions:

1. Any damage or relocation of utilities will be at the expense of the owner/applicant.

Signage/Lighting/Screening Conditions:

1. Signage shall not be placed in the County road right-of-way.
2. Any outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately. Please refer to the diagram in the staff report attachments.
3. If a dumpster is desired in the future, it must be screened with an opaque material, to include the gate, so the dumpster is not visible from the county road.

Standard Conditions:

1. Pay neighbor notification mailing fees within 30 days of project approval. Applicant will be billed for mailing fees once all invoices have been received. Any extension must be approved by the Planning Office.
2. Pay engineering fees within 30 days of project approval. Applicant will be billed for engineering fees once all invoices have been received. Any extension must be approved by the Planning Office.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. Lots that are over one-half acre in size will need to be addressed after the home location is known.
5. This CUP must be ratified by the Quorum Court.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - o This project does not require additional review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.
8. All land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State or local permits or approvals, if any, whether known or unknown to the Board or the Developer.

Washington County Planning Director, Nathan Crouch, presented the staff report for the Board Members.

Public Comment

Randy Janes, Member of the public, addressed the Board, "Well, what our concern is out here we wanted to come out in the country and be somewhat private, but if they build these storage facilities are they going to have lights on all night?"

Nathan Crouch responded, "There hasn't been a plan for spot lights on this. There is a condition of approval in the conditions for them to shield their flood lights from oncoming traffic and for the neighbors."

Randy Janes inquired, "Flood lamps and street lights out there?"

Nathan Crouch replied, "Sir, we have a condition for them that they have to shield their flood lamps from the neighboring properties and from oncoming traffic. All of their flood lighting has to be down lighting rather than up lighting which effects the darkness of the sky. There is a condition in packet that will limit how they can use lighting within this development."

Randy Janes asked, "The ingress to these storage buildings. Would it just be gravel?"

Nathan Crouch answered, "Yes sir. If you have been on the site you will know that the driveway going down into the site slopes away from the road. We don't foresee a problem with that kicking gravel into the county road in any significant manner."

Randy Janes stated, "I understand that, but it is in a floodplain."

Nathan Crouch responded, "No sir, it is not."

Randy Janes explained, "Really? Well, there was a new house constructed and they can't have septic."

Nathan Crouch detailed, "It is close. If you can see my screen you can see the floodplain back here and the project site is right here where the yellow star is. It is not proposed to be inside the floodplain and they are not proposing septic."

Gavin Smith, Engineer for the proposed project, addressed the Board, "I just wanted to clarify that

asphalt is on the plans and is proposed. There is no gravel.”

Nathan Crouch, “My mistake.”

Barbara Gaulin, Member of the public, addressed the Board, “I wanted to make a comment about the lights. I am concerned about the lights as well as other neighbors. I am not aware if they are on here or not. One of the questions I have was that when he was talking about lights it was mentioned that they would be the kind that shine down and they would be shielded and those kinds of things. I have talked to Ozarks Electric, not that they were the end all be all, but they didn’t know of any such lighting being available through Ozarks Electric. Would the owners be required to get a different type of lighting then what is available through Ozarks Electric?”

Nathan Crouch responded, “Yes Mam, we have a standard. About the only lights you can get from the power company are flood lights that you can mount on a pole or your building. If the applicant wishes to install lights we have a standard. Those are the lights that shine down, not up, and they are shielded with a mirror instead of glass. The light is focused rather than bleeding out everywhere.”

Barbara Gaulin inquired, “Is that called dark sky lighting. Is that kind of what that is similar to?”

Nathan Crouch replied, “Yes mam. You are on the right tract there, dark sky. ”

Jan Cambell, Member of the public, addressed the Board, “I have several different questions. I also was concerned with the lighting and wanted to ensure that dark sky rated lighting would be used including any night watchers. My second concern was with the storm water runoff. I understand that the unnamed creek that is between the proposed site and the Gaugin’s residence, that creek does have very high water flow during and after rainfall. I wanted to ensure that that had been addressed. I understand from looking at the plat that there is a detention pond that is planned. I am concerned that the detention pond may need to have a fence around because there are children that live in the area. I am concerned about traffic entering and exiting the site. I was pleased to hear that pavement is planned. That will help. However, this is a dangerous section of the road. The speed limit maybe need to be reconsidered. I am also concerned that crime and theft may increase due to the increased traffic from outside of the neighborhood. I saw that there was no trash service planned. I was concerned that there may be illegal dumping which would be unsightly and hazardous.”

Nathan Crouch responded, “I’ve got the conditions for the lights that definitely go back and ensure that that condition is present in the final conditions approved. I would assume that if you guys do approve this, then it is with that condition. The condition definitely will be in the ratification. Addressing the storm water with the detention pond: No doubt that little unnamed creek may get a lot of flow. What we have to work with is a drainage report provided to us by the Project Engineer reviewed by our contract Engineer. All the math adds up which means the detention pond is sized appropriately. The Planning Staff recommends that that detention pond is fine based on recommendation from our Engineer. Putting a fence around the detention pond that isn’t within the Washington County ordinances that would be between the property owners and the applicant. We don’t have that in our ordinances, and we don’t have that in any previous projects where we could draw on precedent. We could ask the applicant, but we couldn’t require them to put it in a fence. Crime, again it doesn’t have anything to do with our ordinances that is civil. The traffic: Maybe they want to reduce the speed limit out there. That’s not a function of Planning. The speed limit is set by the Road Department, not the Planning Department. If you wanted to get your speed limit reduced out there that would be between you and the County Road Department. Trash service, again, is not something that we review.”

Randy Laney asked, “Nathan, does the project have any fencing on it at all?”

Nathan Crouch answered, “No sir.”

Gavin Smith corrected, "There is a fence all the way around the asphalt separating the buildings from the roads, etc. A siren-activated and key code gate at the front, but the fence does not go around the detention pond."

Nathan Crouch stated, "So we have a security fence, but not a privacy fence."

Public Comment Closed

Joel Kelsey made a motion to approve the **James Royal Storage CUP** subject to staff recommendations. Walter Jennings seconded. All Board Members were in favor of approving. Motion passed.

County

b. Hilltop Estates Lots 5A & 5B CUP

Conditional Use Permit Request

Location: Section 04, Township 15, Range 28

Applicant: Satterfield Land Surveyors

Location Address: 11045 E Mt. Olive Road

Approximately: +/- 3.04 acres / 1 lot

Coordinates: Latitude: 35.99662788, Longitude: -93.95290002

Project #: 2020-042

Planner: Nick Little email: nlittle@co.washington.ar.us

REQUEST: Conditional Use Permit approval to allow the creation of a 0.42 acre subdivision lot in an area zoned to allow 1 acre minimum lot sizes.

CURRENT ZONING: Project lies within the County's Zoned area (Agriculture/Single-Family Residential 1 unit per acre).

PLANNING AREA: This project is *not* located within a city's planning area. It is located solely within the County. **PARCEL #:** 244-10005-000

QUORUM COURT DISTRICT: District 15 JP Butch Pond
SCHOOL DISTRICT: Elkins

FIRE SERVICE AREA: Elkins Rural

INFRASTRUCTURE: **Water-** Mt. Olive Water Corp. **Electric -** Ozarks Electric **Natural Gas-** Black Hills Corp. **Telephone-** Windstream Communications **Cable-** N/A

BACKGROUND/ PROJECT SYNOPSIS:

The owners/applicants of this property are Kerri and Robert Hughes. This property is located east of Elkins off Mt. Olive Road WC#312. This CUP request is to allow the Hughes Family to split off a 0.42 acre tract (Tract 5B) for sale to the property owners to the west. Tract 5B is located across Zachary Lane WC#3337. The Minor Subdivision request is to allow the applicant to replat the Hilltop Estates Tracts 5A & 5B. Hilltop Estates Subdivision was officially platted in 1995. Tract 5B is going to be deeded to the neighbors to the west, who are located outside of the platted subdivision.

TECHNICAL CONCERNS:

Sewer/Septic:

Per Maggie Keaton, Administrative Specialist II at the Washington County Health Unit – Unable to locate septic permit number.

Electric/Gas/Cable/Phone:

Comments from Ozarks Electric are from Wes Mahaffey:

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.

3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions. Wes Mahaffey at (479)263-2167 or wmahaffey@ozarksecc.com.
5. Include a 30ft. U.E. along existing overhead line

Roads/Sight Visibility/Ingress-Egress:

Since the proposed parcel doesn't access from a county road, sight distance wasn't evaluated.

Environmental Concerns:

At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

COMPATIBILITY CONCERNS:

Surrounding Density:

The surrounding uses are single family residential and agricultural. This site contains one metal building and one manufactured home. The parcels within proximity to this project site range from 1 house per 1 acres to 1 house per 86 acres (with the average proximity density being 1 house per 14.75 acres).

Staff feels that the applicant's request is compatible with the surrounding density.

Future Land Use Plan

There is no future land use designation for this portion of the County.

NEIGHBOR COMMENTS/CONCERNS:

(All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project.)

No neighbor comments were received

CHECKLIST:

*Please note that if an item is marked inadequate, staff will usually recommend tabling or denial of a project.

Important Information Checklist			
	Inadequate	Acceptable	Complete
City/Planning Area Issues			N/A
Planning Issues/Engineering Issues			✓
Road Issues			✓
Fire Code Issues			✓
Utility Issues			✓
Health Department Issues		X	
Other Important Issues			✓
General Plat Checklist			
	Inadequate	Acceptable	Complete
General Information			✓
Existing Conditions		X	
Proposed Improvements		X	
Info to supplement plat			✓

STAFF RECOMMENDED CONDITIONS OF APPROVAL:

Septic Conditions:

1. Soil work is required on the 0.42 acre proposed lot
2. Inspection is required on the applicant's existing septic system.

Environmental Conditions:

1. At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Utility Conditions:

1. Any damage or relocation of utilities will be at the expense of the owner/applicant.
2. 30ft. utility easement shall be dedicated and shown on the plat, centered along the existing overhead power lines.

Standard Conditions:

1. Pay neighbor notification mailing fees (\$54.60) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 4/29/2020).
2. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. Lots that are over one-half acre in size will need to be addressed after the home location is known.
5. This CUP must be ratified by the Quorum Court.
6. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - o This project does not require additional review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.
7. All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State or local permits or approvals, if any, whether known or unknown to the Board or the Developer.

Washington County Planner, Nick Little, presented the staff report for the Board Members.

Randy Laney inquired, "Why is the split being done if nothing is being built on it?"

Nick Little replied, "The split is being done so he can give his neighbor his own access to his land rather than using an easement."

Ricky Hill, Surveyor for Project, addressed the Board, "Basically, the Edwards that own the property directly west of this tract always thought that they owned Zachary Lane. That driveway access to their property is their access. They filed suit against the Hughes to regain that driveway. Apparently it was inadvertently transferred in title when the Hughes purchased this tract. Mr. Hughes is going to deed it back to the Edwards to keep from having to have a lawsuit over a driveway that is currently his anyway. He has agreed to deed this back to him because he felt like it should have been his from the beginning."

No Public Comment

Public Comment Closed

Robert Daugherty made a motion to approve the **Hilltop Estates Lots 5A & 5B CUP** subject to staff recommendations. Joel Kelsey seconded. All Board Members were in favor of approving. Motion passed.

LAND DEVELOPMENT HEARINGS

County

c. Minor Subdivision Replat Lots 5A & 5B Hilltop Estates

Preliminary and Final Land Development Request

Location: Section 04, Township 15, Range 28

Applicant: Satterfield Land Surveyors

Location Address: 11045 E Mt. Olive Road

Approximately: +/- 3.04 acres / 1 lot

Coordinates: Latitude: 35.99662788, Longitude: -93.95290002

Project #: 2020-041

Planner: Nick Little email: nlittle@co.washington.ar.us

REQUEST: The Minor Subdivision request is for a replat of a lot previously platted in the Hilltop Estates Subdivision.

CURRENT ZONING: Project lies within the County's Zoned area (Agriculture/Single-Family Residential 1 unit per acre).

PLANNING AREA: This project is *not* located within a city's planning area. It is located solely within the County. **PARCEL #:** 244-10005-000

QUORUM COURT DISTRICT: District 15 JP Butch Pond

FIRE SERVICE AREA: Elkins Rural

SCHOOL DISTRICT: Elkins

INFRASTRUCTURE: **Water-** Mt. Olive Water Corp. **Electric -** Ozarks Electric **Natural Gas-** Black Hills **Telephone-** Windstream Communications **Cable-** N/A

BACKGROUND/ PROJECT SYNOPSIS:

The owners/applicants of this property are Kerri and Robert Hughes. This property is located east of Elkins off Mt. Olive Road WC#312. This CUP request is to allow the Hughes Family to split off a 0.42 acre tract (Tract 5B) for sale to the property owners to the west. Tract 5B is located across Zachary Lane WC#3337. The Minor Subdivision request is to allow the applicant to replat the Hilltop Estates Tracts 5A & 5B. Hilltop Estates Subdivision was officially platted in 1995. Tract 5B is going to be deeded to the neighbors to the west, who are located outside of the platted subdivision.

TECHNICAL CONCERNS:

Sewer/Septic:

Per Maggie Keaton, Administrative Specialist II at the Washington County Health Unit – Unable to locate septic permit number.

Electric/Gas/Cable/Phone:

Comments from Ozarks Electric are from Wes Mahaffey:

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions. Wes Mahaffey at (479)263-2167 or wmahaffey@ozarksecc.com.
5. Include a 30ft. U.E. along existing overhead line

Roads/Sight Visibility/Ingress-Egress:

Since the proposed parcel doesn't access from a county road, sight distance wasn't evaluated.

Environmental Concerns:

At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

COMPATIBILITY CONCERNS:

Surrounding Density:

The surrounding uses are single family residential and agricultural. This site contains one metal building and one manufactured home. The parcels within proximity to this project site range from 1 house per 1 acres to 1 house per 86 acres (with the average proximity density being 1 house per 14.75 acres).

Staff feels that the applicant's request is compatible with the surrounding density.

Future Land Use Plan

There is no future land use designation for this portion of the County.

NEIGHBOR COMMENTS/CONCERNS:

(All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project.)

No neighbor comments were received

CHECKLIST:

*Please note that if an item is marked inadequate, staff will usually recommend tabling or denial of a project.

Important Information Checklist			
	Inadequate	Acceptable	Complete
City/Planning Area Issues			N/A
Planning Issues/Engineering Issues			✓
Road Issues			✓
Fire Code Issues			✓
Utility Issues			✓
Health Department Issues		X	
Other Important Issues			✓
General Plat Checklist			
	Inadequate	Acceptable	Complete
General Information			✓
Existing Conditions		X	
Proposed Improvements		X	
Info to supplement plat			✓

STAFF RECOMMENDED CONDITIONS OF APPROVAL:

Septic Conditions:

1. Soil work is required on the 0.42 acre proposed lot
2. Inspection is required on the applicant's existing septic system.

Environmental Conditions:

1. At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Utility Conditions:

1. Any damage or relocation of utilities will be at the expense of the owner/applicant.
2. 30ft. utility easement shall be dedicated and shown on the plat, centered along the existing overhead power lines.

Standard Conditions:

1. Pay neighbor notification mailing fees (\$54.60) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 4/29/2020).
2. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. Lots that are over one-half acre in size will need to be addressed after the home location is known.
5. This CUP must be ratified by the Quorum Court.
6. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - o This project does not require additional review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.
7. All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State or local permits or approvals, if any, whether known or unknown to the Board or the Developer.

Washington County Planner, Nick Little, presented the staff report for the Board Members.

Public Comment

Roberta Edwards, Land Owner of the property to the west, addressed the Board, "When we bought this property we found out we owned 5 foot of the center of the driveway. At the time we bought it we thought we were owned from fence row to fence row, but found out that Mr. Burch kind of screwed us over on that one. All that we are trying to do is ensure that we have this road that goes to our house. We wanted to have it as a private drive, not a county maintained road. We wanted it as a private drive. That way we can maintain the driveway that way we don't have 10,000 people coming down here in our yard."

Nathan Crouch clarified, "To make this road a County road it has to be built to a certain standard. It is not a county road right now. A lot of improvements would need to go into that road for it to become a County Road. If Mrs. Roberta wants to own this road this is the way to go about it."

Roberta Edwards continued, "We just want it to be our private drive."

Nathan Crouch stated, "This proposal doesn't have anything to do with trying to upgrade this road in any way."

Neil Helm inquired, "Could this have been a Lotline Adjustment?"

Nathan Crouch replied, "This may have been a good candidate for a Lotline Adjustment except that one

property is inside a Subdivision and it's platted and the other property is not.”
Public Comment Closed

Robert Daugherty made a motion to approve the **Minor Subdivision Replat Lots 5A & 5B Hilltop Estates** subject to staff recommendations. Neil Helm seconded. All Board Members were in favor of approving. Motion passed.

Farmington Planning Area

d. Little Elm Final Subdivision

Final Subdivision Request

Location: Section 32, Township 16, Range 31

Applicant: Bates & Associates

Location Address: Bethel Blacktop Road WC 62 and Little Elm Road

Approximately: +/- 37.57 acres / 7 lots

Coordinates: Latitude: 36.02722316, Longitude: -94.28845050

Project #: 2019-069 Planner: Sita Nanthavong email: snanthavong@co.washington.ar.us

REQUEST: The applicant is requesting Final Subdivision Approval of Silva Little Elm Subdivision. The request is create 7 residential lots from one existing lot.

CURRENT ZONING: This project lies within the County Zoned area (Agricultural/Single-Family Residential 1 unit per acre).

PLANNING AREA: This project is located within the City of Farmington Planning Area.

QUORUM COURT DISTRICT: District 7, Sam Duncan Rural

FIRE SERVICE AREA: Prairie Grove

SCHOOL DISTRICT: Farmington

INFRASTRUCTURE:

Water- Washington Water

Electric- Ozarks Electric

Natural Gas- Black Hills Corp

Telephone- PG Telco

Cable- Cox Communications

BACKGROUND/ PROJECT SYNOPSIS:

The applicant, Mark Silva, is seeking Final Subdivision approval to develop 12.36 acres of land into a total of 7 lots. Preliminary approval was granted on January 23, 2020 by the Washington County Planning Board. The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre. The project parcel is in the Farmington Planning Area. Its location is approximately less than a mile west from the City of Farmington. The City of Farmington has reviewed this project and its Planning Commission approved the preliminary plat of this project on September 23, 2019. The parcel is located southwest of the intersection of Bethel Blacktop WC 62 and Little Elm WC 19. The entire parcel, 001-12416-000, is approximately 37 acres in size. It is owned by Silva Properties LLC. The applicant will develop only 12.36 acres of this parcel for the subdivision.

Proposed Lots

Lot 1 – 1.91 acres, residential

Lot 2 – 1.91 acres, residential

Lot 3 – 1.91 acres, residential

Lot 4 – 1.91 acres, residential

Lot 5 – 1.12 acres, residential

Lot 6 – 1.15 acres, unbuildable, to be used for retention Lot 7 – 1.15 acres, residential

Please see the attached documents for more detailed information.

TECHNICAL CONCERNS:

Utilities

Electric is provided by Ozarks Electric:

1. Any relocation of existing facilities or extension of line that has to be built specifically to feed the subdivision will be at full cost to the developer.
2. All lot corners must be marked with stakes clearly identifying the lot number and all utility easement widths and road crossing requirements will be defined on the plat before Ozarks will begin construction.
3. All off site easements that are needed for Ozarks to extend electrical service to the subdivision property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. All conduits placed for the road crossings will be installed by the developer and must be 4 inch schedule 40 conduits at 48 inch in depth at final grade and marked with a post to identify the end of conduits. Conduits must extend past the edge of any obstructions so that they are accessible during construction. The number of conduits at the crossing will be determined by each utility provider that will be using the conduits at the road crossing. (Bare minimum of 5 Pipes)
5. Developer must provide Ozarks Electric with a Digital copy (AutoCAD) of the Final plat. All conduits for road crossings and specific widths of U.E., Lot size, St. Light location and address to Lots must be shown on final plat before Ozarks Electric will sign the final plat.
6. Subdivisions will be built using Ozarks Electric Policy 45 (Developer is responsible for a percentage of the total cost of construction which is determined at the time the engineering design for electrical service) There will be extra charges to the Developer when extra time or materials are used for rock trenching, boring, select material bedding, shoring, dewatering, etc.
7. All Utility Easements to be cleared of all trees, brush, dirt piles, buildings and debris so that the easement is accessible with equipment. If easement is not cleared developer may be subject to extra charges.
8. Developer must notify Staking Tech. if they are interested in Ozarks Street Lights or if they will be installing their own. If interested in Ozarks Street Light a picture will be provided if asked. Will need St. Light location on final plat. If developer decide to go with their own contact Cooperative representative below.
9. Please contact Ozarks Electric when construction begins on subdivision and again when construction is within three months of completion.
10. Wes Mahaffey At (479)263-2167 or wmahaffey@ozarksecc.com

Phone service is provided by PG Telco. They did not have comments or concerns.

Gas is provided by Black Hills. They did not submit comments or concerns.

Water is provided by Washington Water Authority. They did not submit comments or concerns.

Fire Marshal

1. Any New structures on the property shall not exceed 9,400 square feet in size. Should you want larger structures you must submit the overall square footage to the Fire Marshal for review.
 - a. B105.1 One- and two-family dwellings. The minimum fire-flow and flow duration requirements for one- and two-family dwellings having a fire-flow calculation area that does not exceed 3,600 square feet shall be 1,000 gallons per minute for 1 hour. Fire-flow and flow duration for structures in excess of 3,600 square feet shall not be less than that specified in table B105.1.
2. The property shall not be split any further or in a way that would require an approved fire apparatus access road without approval by the Washington County Fire Marshal.
 - a. 503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements

of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

- i. Exception: The fire code official is authorized to increase the dimensions of 150 feet where:
 1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with section 903.3.1.1, 903.3.1.2 or 903.1.3
 2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, non-negotiable grades or other similar condition, and an approved alternative means of fire protection is provided.
 3. There are not more than two Group R-3 or Group U occupancies.
3. There shall be interconnected smoke alarms that receive their primary power from the building wiring and have a secondary power source.
 - a. 907.2.11.2 Groups R-2, R-3, R-4, and I-1. Single or multiple-station smoke alarms shall be installed and maintained in groups R-2, R-3, R-4, and I-1 regardless of occupant load at all of the following locations:
 - i. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
 - ii. In each room used for sleeping purposes.
 1. Exception: Single or multiple station smoke alarm in group I-1 shall not be required where smoke detectors are provided in the sleeping rooms as part of an automatic smoke detection system.
 - iii. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than on full story below the upper level.
 - iv. 907.2.11.3 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit or sleeping unit in Group R or I-1 occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarm shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedroom over background noise levels with all intervening doors closed.
 - b. 907.2.11.4 Power source. In new construction, required smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery back-up shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than required for overcurrent protection.
4. New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
 - a. 505.1 New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their backgrounds. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means

shall be used to identify the structure. Address numbers shall be maintained.

b. 505.2 Street or road signs. Streets and road shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.

5. Fire Hydrants needed throughout with correct spacing. For public water systems you shall follow Washington Water Authority requirements. Table C105.1
 - a. 507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.
 - b. 507.2 Types of water supply. A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow.
 - c. 501.3 Construction documents for proposed fire apparatus access, location of fire lanes, security gates across fire roads and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.
 - d. B105.1 One- and two-family dwellings. The minimum fire flow and flow duration requirements for one and two family dwellings having a fire flow calculation area that does not exceed 3,600 square feet shall be 1,000 gallons per minute for 1 hour. Fire flow and flow duration for dwellings having a fire flow calculation area in excess of 3,600 square feet shall not be less than that specified in table B105.1.
 - e. B103.3 Areas without water supply systems. For information regarding water supplies for fire-fighting purposes in rural and suburban areas in which adequate and reliable water supplies do not exist, the fire code official is authorized to utilize NFPA 1142 or the International Wildland Urban Interface Code. – According to the State Fire Marshal the water supply has to not exist to utilize this code.

505.2 Street or road signs. Streets and road shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.

6. Fire Hydrants needed throughout with correct spacing. For public water systems you shall follow Washington Water Authority requirements. Table C105.1
 - f. 507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.
 - g. 507.2 Types of water supply. A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow.
 - h. 501.3 Construction documents for proposed fire apparatus access, location of fire lanes, security gates across fire roads and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.
 - i. B105.1 One- and two-family dwellings. The minimum fire flow and flow duration requirements for one and two family dwellings having a fire flow calculation area that does not exceed 3,600 square feet shall be 1,000 gallons per minute for 1 hour. Fire flow and flow duration for dwellings having a fire flow calculation area in excess of 3,600 square feet shall not be less than that specified in table B105.1.
 - j. B103.3 Areas without water supply systems. For information regarding water supplies for fire-fighting purposes in rural and suburban areas in which adequate and reliable water supplies do not exist, the fire code official is authorized to utilize NFPA 1142 or the International Wildland Urban Interface Code. – According to the State Fire Marshal the water supply has to not exist to utilize this code.

Addressing

Lots that are over one-half acre in size will need to be addressed after the home location is known.

Environmental

There is no stormwater permit required by Washington County at this time; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Road

Any work done in the County road right of way requires a permit from the road department.

City of Farmington

This project received preliminary approval on September 23, 2019 by the City of Farmington’s Planning Commission. All conditions of the City’s approval and any conditions placed at its final review of this project must be completed.

SITE VISIT:

A site visit was conducted by planning staff. Staff has no concerns.

CHECKLIST:

*Please note that if an item is marked inadequate, staff will usually recommend tabling or denial of a project.

Important Information Checklist			
	Inadequate	Acceptable	Complete
City/Planning Area Issues			N/A
Planning Issues/Engineering Issues			✓
Road Issues			✓
Fire Code Issues			✓
Utility Issues			✓
Health Department Issues			✓
Other Important Issues			
General Plat Checklist			
	Inadequate	Acceptable	Complete
General Information			✓
Existing Conditions			✓
Proposed Improvements			✓
Info to supplement plat			✓

STAFF RECOMMENDATION: Staff recommends approval of Silva Little Elm Subdivision with the following conditions:

Septic Conditions:

1. There shall be no deviation from the plans and specifications unless revised plans and specifications have been submitted for review and written consent given.
2. The individual onsite wastewater system for each lot must be located in the area specified on the submitted plat of the proposed subdivision as indicated by the soil pit location. Changes made to the location of the wastewater system will require further review and approval by the Arkansas Dept. of Health.
3. The areas of the proposed primary and secondary disposal fields must be protected during the construction of all structures, roads and the placement of service lines so as not to disturb the natural properties of the soils.
4. The final acceptance of each lot depends upon submission of an APPLICATION FOR INDIVIDUAL SEWAGE DISPOSAL PERMIT to the local Health Unit. Home construction should not be started on any lot until a permit for construction has been issued for an INDIVIDUAL SEWAGE DISPOSAL SYSTEM by the local Environmental Health Specialist.
5. Further subdivision or re-platting of any lot or lots will require the submission of soil information, plans and specifications for those lots before approval will be given for development

Utilities Conditions:

Ozarks Electric:

1. Any relocation of existing facilities or extension of line that has to be built specifically to feed the subdivision will be at full cost to the developer.
2. All lot corners must be marked with stakes clearly identifying the lot number and all utility easement widths and road crossing requirements will be defined on the plat before Ozarks will begin construction.
3. All off site easements that are needed for Ozarks to extend electrical service to the subdivision property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. All conduits placed for the road crossings will be installed by the developer and must be 4 inch schedule 40 conduits at 48 inch in depth at final grade and marked with a post to identify the end of conduits. Conduits must extend past the edge of any obstructions so that they are accessible during construction. The number of conduits at the crossing will be determined by each utility provider that will be using the conduits at the road crossing. (Bare minimum of 5 Pipes)
5. Developer must provide Ozarks Electric with a Digital copy (AutoCAD) of the Final plat. All conduits for road crossings and specific widths of U.E., Lot size, St. Light location and address

Lots must be shown on final plat before Ozarks Electric will sign the final plat.

6. Subdivisions will be built using Ozarks Electric Policy 45 (Developer is responsible for a percentage of the total cost of construction which is determined at the time the engineering design for electrical service) There will be extra charges to the Developer when extra time or materials are used for rock trenching, boring, select material bedding, shoring, dewatering, etc.
7. All Utility Easements to be cleared of all trees, brush, dirt piles, buildings and debris so that the easement is accessible with equipment. If easement is not cleared developer may be subject to extra charges.
8. Developer must notify Staking Tech. if they are interested in Ozarks Street Lights or if they will be installing their own. If interested in Ozarks Street Light a picture will be provided if asked. Will need St. Light location on final plat. If developer decide to go with their own contact Cooperative representative below.
9. Please contact Ozarks Electric when construction begins on subdivision and again when construction is within three months of completion.
10. Wes Mahaffey At (479)263-2167 or wmahaffey@ozarksecc.com

PG Telco:

1. Please contact PG Telco for concerns regarding telephone service.

Black Hills:

1. Please contact Black Hills for concerns regarding gas service.

Washington Water Authority:

1. Please contact Washington Water Authority regarding water service.

Addressing Conditions:

1. Lots that are over one-half acre in size will need to be addressed after the home location is known.

Environmental Conditions

1. There is no stormwater permit required by Washington County at this time; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Fire Marshal Conditions:

1. Any New structures on the property shall not exceed 9,400 square feet in size. Should you want larger structures you must submit the overall square footage to the Fire Marshal for review.
 - a. B105.1 One- and two-family dwellings. The minimum fire-flow and flow duration requirements for one- and two-family dwellings having a fire-flow calculation area that

does not exceed 3,600 square feet shall be 1,000 gallons per minute for 1 hour. Fire-flow and flow duration for structures in excess of 3,600 square feet shall not be less than that specified in table B105.1.

2. The property shall not be split any further or in a way that would require an approved fire apparatus access road without approval by the Washington County Fire Marshal.
 - a. 503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
 - i. Exception: The fire code official is authorized to increase the dimensions of 150 feet where:
 1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with section 903.3.1.1, 903.3.1.2
 - b.
 1. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, non-negotiable grades or other similar condition, and an approved alternative means of fire protection is provided.
 2. There are not more than two Group R-3 or Group U occupancies.
3. There shall be interconnected smoke alarms that receive their primary power from the building wiring and have a secondary power source.
 - a. 907.2.11.2 Groups R-2, R-3, R-4, and I-1. Single or multiple-station smoke alarms shall be installed and maintained in groups R-2, R-3, R-4, and I-1 regardless of occupant load at all of the following locations:
 - i. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
 - ii. In each room used for sleeping purposes.
 1. Exception: Single or multiple station smoke alarm in group I-1 shall not be required where smoke detectors are provided in the sleeping rooms as part of an automatic smoke detection system.
 - iii. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than on full story below the upper level.
 - iv. 907.2.11.3 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit or sleeping unit in Group R or I-1 occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarm shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedroom over background noise levels with all intervening doors closed.
 - b. 907.2.11.4 Power source. In new construction, required smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery back-up shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than required for overcurrent protection.
4. New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.

- a. 505.1 New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their backgrounds. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address numbers shall be maintained.
 - b. 505.2 Street or road signs. Streets and road shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.
5. Fire Hydrants needed throughout with correct spacing. For public water systems you shall follow Washington Water Authority requirements. Table C105.1
- a. 507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.
 - b. 507.2 Types of water supply. A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow.
 - c. 501.3 Construction documents for proposed fire apparatus access, location of fire lanes, security gates across fire roads and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.
 - d. B105.1 One- and two-family dwellings. The minimum fire flow and flow duration requirements for one and two family dwellings having a fire flow calculation area that does not exceed 3,600 square feet shall be 1,000 gallons per minute for 1 hour. Fire flow and flow duration for dwellings having a fire flow calculation area in excess of 3,600 square feet shall not be less than that specified in table B105.1.
 - e. B103.3 Areas without water supply systems. For information regarding water supplies for fire-fighting purposes in rural and suburban areas in which adequate and reliable water supplies do not exist, the fire code official is authorized to utilize NFPA 1142 or the International Wildland Urban Interface Code. – According to the State Fire Marshal the water supply has to not exist to utilize this code.

Washington County Road Conditions:

1. Any work done in the County right-of-way will require a permit from the Washington County Road Department prior to construction.

City of Farmington Conditions:

1. All conditions of the City's approval and any conditions placed at its final review of this project must be completed.

Planning Conditions:

- 1. Per Sec. 11-102 Vehicular access from private drive
 - (1) No land development, including those subject to exemption as set out in Washington County Code 11-79, shall be approved if any anticipated structure's driveway shall be so arranged such that it is necessary for a vehicle to back out onto any County or public road.
 - (2) Every owner or developer of any such land development shall certify that no driveways shall be constructed in violation of this section and such shall be noted on any plat or exemption application.
 - (3) No structure or driveway, regardless as to whether it is part of a land development, shall be built, installed or erected in such a manner that it will be necessary for any vehicle to back out onto any County or public road.
 - (4) This section shall not be applicable to interior roads in a land development.
- 2. The driveway for proposed Lot 5 must be within 50 feet of the western boundary or 25 feet of

the southern boundary.

Standard Conditions:

1. Washington County will not maintain any common areas.
2. Pay Engineering Fees within 30 days of project hearing. Any extension must be approved by the Planning Office. This will be calculated once all invoices are received.
3. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
4. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
5. Lots that are over one-half acre in size will need to be addressed after the home location is known.
6. All general plat checklist items must be corrected.
7. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.
8. Per Washington County ordinance Sec 11-75 (7): All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State, or local permits or approvals, if any, whether known or unknown to the Board or the Developer.
9. Have all signature blocks signed on **11 Final Plats** - 2 for filing in the Circuit Clerk's office, 7 for the County Planning office, remainder for the developer. The Circuit Clerk is not accepting plats over 18" x 24" in size.

Washington County Senior Planner, Sita Nanthavong, presented the staff report for the Board Members.

Robert Daugherty asked, "Did Farmington Planning give us any input on this?"

Sita Nanthavong answered, "I do not believe that they have gone through their final review yet, but final approval through the county is contingent upon Farmington approving their review of it."

Randy Laney inquired, "What is the average lot size?"

Sita Nanthavong replied, "The average lot size is a little over an acre each."

Public Comment

Travis Scarrow, Neighbor to the north, addressed the Board, "There are three things that I wanted to bring out. The first one is of the proposed release onto the land not necessarily in a specified drainage ditch. If you look at the plat it shows six proposed lots, and a seventh being the detention pond. It is showing a release from the detention pond headed northeast there. If you look at the lay of the contour of the land four of those lots will not drain into that detention pond. Only two lots will actually drain into the detention pond. That's one concern. The other one is the proposed release onto the land and not necessarily into a specified drainage ditch along Bethel Blacktop Road. Then number three is the septic fields that are shown to be in the drainage easement. The only reason I bring these concerns up is because I own the property just to the north of where that drainage is proposed. We've already got a pretty significant water problem. I wanted to just ask the questions. What is the proposed water release from that detention pond? How do we fix that?"

Geoff Bates, Engineer for project, addressed the Board, "It has been reviewed by the Farmington Engineer, Washington County Engineer and myself. It meets all of the drainage requirements. What we are doing is detaining the water. There is a 30 acre field above it and it is going to detain it and slow it all down before it gets to that subdivision. I thought that was a better idea than having a detention pond right on this gentleman's property line. It will be less than the predevelopment conditions we meet all of the

requirements. I am not concerned about it. He should be fine. Actually he should be better off.”

Randy Laney inquired, “Geoff, did you want to address the water that appeared to be coming across the septic fields?”

Geoff Bates replied, “That was a secondary field and it can be relocated. All of that perked really well, so we will just shift that out of the drainage going down through there.”

Nathan Crouch stated, “We will have to have some updated plans on that. Maybe an updated drainage report.”

Public Comment Closed

Joel Kelsey made a motion to table the **Little Elm Final Subdivision** subject to staff recommendations and further review of modified drainage report. Robert Daugherty seconded. All Board Members were in favor of approving. Motion passed.

County

e. Minor Subdivision Replat Lots 5, 6, & 7 War Eagle Bend

Preliminary and Final Land Development Requests

Location: Section 19, Township 18, Range 28

Applicant: Bates & Associates

Location Address: 22839 Ellenbarger Road

Approximately: +/- 2.84 acres / 3 lots

Coordinates: Latitude: 36.21282600, Longitude: -94.00516704

Project #: 2020-038 Planner: Sita Nanthavong email: snanthavong@co.washington.ar.us

REQUEST: The applicant is requesting Preliminary and Final Minor Subdivision approval. The request is to allow three lots to be adjusted into two lots ranging from 0.93 acres and 1.87 acres.

CURRENT ZONING: This project lies within the County Zoned area (Agricultural/Single-Family Residential 1 unit per acre).

PLANNING AREA: This project is not located within a Planning Area. It is located solely within the County's jurisdiction.

QUORUM COURT DISTRICT: District 15, Patrick Deakins
Rural

FIRE SERVICE AREA: Nob Hill

SCHOOL DISTRICT: Springdale

INFRASTRUCTURE:

Water- Springdale Water
Electric- Ozarks Electric Natural Gas- None
Telephone- AT&T
Cable- None

BACKGROUND/ PROJECT SYNOPSIS:

The applicant, Bryan Taylor, with representation from Justin Reid of Bates and Associates Inc., is requesting Preliminary and Final Minor Subdivision Replat approval to allow Lots 5, 6, and 7 to be adjusted into Lots 6A and 7A. The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre. The project parcels are not in a planning area. Mr. Taylor owns Lots 7, 8B, 9, and 14 within the War Eagle Bend Subdivision. All of these parcels are contiguous. Mr. and Mrs. Krawchuk own Lots 5, 6, and 8A. Lots 5 and 6 are separated from Lot 8A by Mr. Taylor's Lot 7. Mr. Taylor and Mr. and Mrs. Krawchuk have agreed to adjust property boundaries (replat) of Lots 5, 6, and 7 in order to allow the Krawchuk's property to be contiguous

Original

Parcel 524-02784-000

Lot 5 0.47 acres

Owned by Todd & Crystal Krawchuk

Parcel 524-02785-000

Lot 6 0.46 acres

Owned by Todd & Crystal Krawchuk

Parcel 524-02786-000

Lot 7 1.87 acres Owned by Bryan Taylor

Proposed:

Lot 6A

0.93 acres

To be owned by Todd & Crystal Krawchuck

Lot 7A

1.87 acres

To be owned by Bryan Taylor

Please see the attached documents for more detailed information.

TECHNICAL CONCERNS:**Sewer/Septic**

1. Soil analyses was not performed. The Arkansas Department of Health stated that should a structure with water service or another residence be built, soil analysis and a septic permit would need to be applied for.

Utilities***Ozarks Electric:***

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that must be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions. Wes Mahaffey At (479)263-2167 Or wmahaffey@ozarksecc.com

Springdale Water Authority:

1. Please contact the City of Springdale's Water department for permitting and service.

AT&T:

1. Please contact AT&T for phone service or phone issues.

Fire Marshal

1. The Washington County Fire Marshal has reviewed this project and no further comments.

Fire Service

1. Please contact the Nob Hill Rural Fire Department for fire safety questions and concerns.

Road Issues:

The Washington County Road Department had the following concerns/comments:

1. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road

Department. The Road Department may be reached at (479) 444-1610.

Drainage:

1. The Washington County Contracted Engineer does not review Minor Subdivision requests.

Environmental Concerns:

1. No stormwater permit is required by Washington County at this time; however, applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality. www.adeq.state.ar.us

Sheriff's Office Concerns:

1. Washington County Sheriff's Office had no comments on this project.

SITE VISIT:

A site visit was conducted by planning staff. Staff has no concerns.

NEIGHBOR COMMENTS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project.

To date, staff has no comments either in favor or opposition of the project.

Staff will update the Planning Board at the meeting should any comments be received.

CHECKLIST:

*Please note that if an item is marked inadequate, staff will usually recommend tabling or denial of a project.

Important Information Checklist			
	Inadequate	Acceptable	Complete
City/Planning Area Issues			N/A
Planning Issues/Engineering Issues			✓
Road Issues			✓
Fire Code Issues			✓
Utility Issues			✓
Health Department Issues			✓
Other Important Issues			
General Plat Checklist			
	Inadequate	Acceptable	Complete
General Information			✓
Existing Conditions			✓
Proposed Improvements			✓
Info to supplement plat			✓

STAFF RECOMMENDATION: Staff recommends approval of this project with the following conditions:

Sewer/Septic

1. Should a structure with water service or another residence be built in the future, a soil analysis and a septic permit would need to be applied for with the Arkansas Department of Health.

Utilities

Ozarks Electric:

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that must be built to this property will be at the owner's

expense. The cost will be determined after the owner makes application for electric service and the line has been designed.

3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions. Wes Mahaffey At (479)263-2167 Or wmahaffey@ozarksecc.com

Springdale Water Authority:

1. Please contact the City of Springdale's Water department for permitting and service.

AT&T:

1. Please contact AT&T for phone service or phone issues.

Fire Marshal

1. The Washington County Fire Marshal has reviewed this project. Any concerns should be addressed to the Fire Marshal.

Fire Service

1. Please contact the Nob Hill Rural Fire Department for fire safety questions and concerns.

Road Department

The Washington County Road Department had the following concerns/comments:

1. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.

Environmental Concerns

1. No stormwater permit is required by Washington County at this time; however, applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality. www.adeq.state.ar.us

Washington County Addressing

1. Lots over one-half acre will be addressed when the home location is known.

Standard Conditions

1. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office.
2. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
3. Per Washington County ordinance Sec 11-75 (7): All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State, or local permits or approvals, if any, whether known or unknown to the Board or the Developer.
4. Have all signature blocks signed on a minimum of 7 Final Plats - 2 for filing in the Circuit Clerk's office, 3 for the County Planning office, remainder for the developer. The Circuit Clerk is not accepting plats over 18" x 24" in size.

Washington County Senior Planner, Sita Nanthavong, presented the staff report for the Board Members.

Public Comment

Public Comment Closed

*Robert Daugherty made a motion to approve the **Minor Subdivision Replat Lots 5, 6, & 7 War Eagle Bend** subject to staff recommendations. Philip Humbar seconded. All Board Members were in favor of*

approving. Motion passed.

CONDITIONAL USE PERMIT HEARING

West Fork Planning Area

f. Local Ghost Distillery CUP

Conditional Use Permit Request

Location: Section 32, Township 15, Range 30

Applicant: Earthplan Development Alternatives

Location Address: SE Campbell Road

Approximately: +/- 24.5 acres / 1 parcel

Coordinates: Latitude: 35.93812973, Longitude: -94.18850433

Project #: 2020-043

Planner: Nathan Crouch email: ncrouch@co.washington.ar.us

REQUEST: Conditional Use Permit approval to allow whiskey distillery land-use on a parcel of land that is 32.43 acres in size.

CURRENT ZONING: Project lies within the County's Zoned area (Agriculture/Single-Family Residential 1 unit per acre).

PLANNING AREA: This project is located within West Fork's planning area. The City submitted comments.

FUTURE LAND USE: Residential (Compatible to surrounding densities)

PARCEL #: 001-07369-001

QUORUM COURT DISTRICT: District 14, Ann Harbison
– 112

SCHOOL DISTRICT: West Fork

FIRE SERVICE AREA: West Fork Rural

INFRASTRUCTURE: **Water-** WWA
Telephone- Windstream

Electric- SWEPCO
Cable- Cox

Natural Gas- Black Hills

BACKGROUND/ PROJECT SYNOPSIS:

The applicant is requesting Conditional Use Permit approval for the land-use of a commercial whiskey distillery on a 32 acre parcel of land. The distillery is proposed to occupy an area inside FEMA's regulatory floodway, which requires a No Rise Certificate, certified by a licensed engineer. The water supply is inadequate for fire protection purposes unless a water main is extended across the river, or other fire protection strategies are approved. The Conditional Use Permit is to allow the specific land-use in an area that isn't zoned for this type of land-use. If the CUP is approved, Large Scale Development permitting, which reviews the details of the proposal, will follow.

See additional details in the attached applicant's letter.

TECHNICAL CONCERNS:

Water Issues:

The water main adjacent to the subject property doesn't have the capacity to provide firefighting support for this proposed commercial activity. The applicants are proposing extending a water main from the east, across the river. These details will be thoroughly reviewed at the Large Scale Development phase of review.

Fire Code Issues:

They might be required to have a sprinkler system and the water may not be sufficient enough to provide that. So they may have to have on site water storage. Also they are in a flood zone which could be an issue with fire apparatus access in all weather conditions.

Further technical review with respect to Fire Code will be conducted at the Large Scale Development stage of review.

Septic:

The proposed development proposes to utilize a traditional individual septic system, designed by a Designated Representative of the Arkansas Health Department. The septic system will be inside the FEMA regulatory floodplain.

Electric:

Ozarks Electric reviewed this proposal and requested a 30 ft utility easement for the overhead electric lines be included on the site plans

Roads/Sight Visibility/Ingress-Egress:

This proposal is requesting a railroad crossing. The permitting for the railroad crossing will be conducted through the railroad if the proposal receives all the necessary approvals through the County.

The proposed entry has good horizontal sight distance in both directions, Vertical sight distance to the south may be an issue. The project engineer shall provide exact sight distance calculations at the Large Scale Development phase of review. If it is determined the vertical sight distance is marginal, Planning Staff recommends relocating the driveway connection to the north to a location where the required sight distance can be achieved.

The posted speed limit at this location is 35 mph, which has a sight distance requirement of 390 ft to the left, and 335 ft to the right.

Drainage:

The location of the proposed distillery is inside the FEMA regulatory floodway, and all floodplain permitting requirements for non-residential structures in AE flood zones applies.

There are a couple strategies allowed for floodplain permitting: elevating the structure to at least 2 ft above the Base Flood Elevation, or flood proofing the structure to 3 ft above the base flood elevation

The site plan shows the structure at 0.7 ft above the BFE. This must be corrected at the Preliminary Large Scale Development stage of review.

Environmental Concerns:

At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Signage/Lighting/Screening Concerns:

All outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately (see attached diagram for examples).

COMPATIBILITY CONCERNS:

Surrounding Uses:

The surrounding uses are single family residential, agricultural, and a municipal sewer treatment facility just downstream.

County's Land Use Plan (written document):

According to the County's Land Use Plan,

SECTION III. PHYSICAL DEVELOPMENT

2. LIGHT COMMERCIAL

Continuing with the primary goal of retaining the rural characteristics of Washington

County, light commercial uses should be allowed if:

- a. Not incompatible with adjacent residential and agricultural uses; or by conditions placed on such to mitigate its impact. Together with community facilities and compatible residential uses, this use typically serves as a buffer between general commercial and

strictly residential uses.
Planning Staff feels that the proposed Conditional Use can be made compatible with adjacent residential and agricultural uses, with the proposed conditions mitigating its impact.

Future Land Use Plan

The Future Land Use map shows this location as “Residential- Compatible to surrounding densities.” Although this proposed land-use isn’t what the Future Land Use Plan shows for this location, Planning Staff feels the proposed conditions of approval will help to mitigate its impact on the surrounding neighborhood and help it to fit into the existing fabric of the community.

City of West Fork

Mayor Caudle of the City of West Fork submitted the following comments:

1. The county road proposed for ingress/egress is very narrow and has an old one lane bridge that would need to be navigated by delivery vehicles as well as increased visitor traffic.
2. I would be remiss not to mention that West Fork is currently a dry city without liquor permits and this project will be in very close proximity to our city limits. While I am hearing increased talk of getting liquor permits on a ballot in West Fork for a vote this has yet to materialize.

Those issues aside I feel this project will add economic value to West Fork and Washington County.

SITE VISIT: A site visit was conducted by planning staff on April 29, 2020. Please see attached pictures of road access.

NEIGHBOR COMMENTS/CONCERNS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project.

No public comments have been received at the time of this Staff Report. Staff will update the Planning Board at the meeting if any comments are received.

STAFF’S RECOMMENDED CONDITIONS OF APPROVAL: Staff recommends the following conditions of approval for this CUP request.

Utility Conditions:

1. Generally, any damage or relocation of utilities will be at the expense of the owner/applicant.

Water Conditions:

1. Water mains extended to this property must be in compliance with all local and state guidelines.

Ozarks Electric Conditions:

1. Any damage or relocation of existing facilities will be at owner’s expense.
2. Any power line extension that has to be built to this property will be at the owner’s expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. 30 ft Utility Easement along existing overhead line on property.

Fire Conditions:

1. Fire suppression sprinkler system may be required
2. Full review and comments from the Fire Marshal will be provided at Large Scale Development review.

Sewer/Septic/Decentralized Sewer Conditions:

1. The septic system must be approved by the Arkansas Health Department (ADH), installed, and then inspected by ADH prior to occupation of the residence(s).

2. No parking is allowed on any portion of the septic system including the alternate area. (No overflow parking either).

Roads/Sight Distance Conditions:

1. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
2. Permitting may be required by the County Road Department to connect proposed driveways to the county road.
3. Sight distance must be adequate at all entry/exits to the development.

Drainage Conditions:

1. The County Contracted Engineer will review the stormwater drainage report with the Large Scale Development submittal, which will follow this CUP if approved.
2. Project must be in compliance with Washington County's Floodplain Development Code.
3. A floodplain development permit, with a 'No Rise Certificate' must be submitted at Preliminary Large Scale Development stage, not after construction.
4. Detail how the industrial waste byproducts will be stored and secured during high water events.
5. Detail how access will be maintained during high water events both for emergency vehicles entering, and people leaving to reach safe locations.
6. A detention pond will not be required but permanent BMP's should be installed to treat runoff from pervious areas before entering the river.

Environmental Conditions:

1. At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Signage/Lighting/Screening Conditions:

1. Signage cannot be placed in the County Right-of-Way.
2. Any outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately.
3. Any trash dumpster or outdoor storage areas must be screened so they cannot be seen from the county road.
4. Any trash dumpster or outdoor storage areas must be secured so they will not float away during flooding conditions.

Standard Conditions:

1. Pay neighbor notification mailing fees within 30 days of project approval. Fees will be calculated once all invoices have been received. Any extension must be approved by the Planning Office.
2. Pay engineering fees within 30 days of project approval. Fees will be calculated once all invoices have been received. Any extension must be approved by the Planning Office.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. Lots that are over one-half acre in size will need to be addressed after the home location is known.
5. This CUP must be ratified by the Quorum Court.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - o This project requires additional review (Large Scale Development), and therefore, the applicant must submit for Preliminary project review within 12 months of this CUP project's ratification.
8. All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State or local permits or approvals, if any, whether known or unknown to the Board or the Developer.

Washington County Planning Director, Nathan Crouch, presented the staff report with updates for the

Board Members.

Joel Kelsey inquired, "Nathan, is that how they are going to get to the distillery, across the railroad track?"

Nathan Crouch replied, "Yes sir. There will be permitting required for that. If the CUP is approved through the County, at that time, the applicant and the project engineer will coordinate that permit."

Joel Kelsey asked, "So the safety aspect of that will be addressed if this is approved and it comes back for Large Scale on that cross over of the railroad track?"

Nathan Crouch answered, "I don't believe that crossing a railroad is part of the Counties requirements. I believe that would be handled through the permitting with the railroad company themselves and would be there requirements."

Randy Laney, "I am respecting your point. You want to review your concern for the safety of it irregardless if the railroad approves it or not. Right?"

Joel Kelsey affirmed, "Absolutely. That is my concern. I am not against the business or anything like that. You've got a whiskey distillery, you've got a railroad and where it's located. My safety concern is there."

Public Comment

George Kuharick, Owners of the project, addressed the Board, "I just wanted to let you guys know that I am on call. Jason, the other owner of the project, is also on call. James and Sarah Guertz are also on the call. They are with Earthplan Design Alternatives out of Springdale. They have been doing a lot of the engineering work for us. I just wanted you guys to know that we are on here to answer any questions you might have."

Richard Berquist, Neighbor to the north, addressed the Board, "I am really curious to understand how the septic or sewer would work in a floodway at this location. Would there be a septic system? Is a septic system permissible? Or will there be a sewer line?"

Nathan Crouch responded, "They are proposing a septic system. That would be through the Arkansas Department of Health for septic system design."

Randy Laney clarified, "What he is saying is that in a Large Scale Development, the State will approve any septic plan. We don't know at this point, but it would be a part of the Large Scale. The way that works is if the Board approves the concept, if you will. Then they will come back with all the details. That septic will have to be approved. You are right to be wondering about it. Until we see the engineer and the state approval of it, we will just have to note that as a concern."

Richard Berquist continued, "My limited understanding according to the FEMA rules is there is virtually very little development allowed in a floodway which is what this is. I am just wondering how the FEMA rules and regulations impact a development in a floodway right here."

Nathan Crouch explained, "I am the Floodplain Administrator for the County and I approve and review all of the Floodplain permits. Indeed there is no development in the floodway unless there is a No-Rise Certificate that has been sent in by an Engineer. The engineering company, FTN, and the Project Planner at Earthplan Design Alternatives have been working together in order to get those figures down and get them correct. Basically, this Conditional Use Permit is simply for the land use. It's not to review all of the specific technical details of all the site elements. This Conditional Use Permit is just for the land use. If it is approved then the engineers will go to work and put together all of those calculations. Then they will

come to the table with well fleshed out plans. At this point, no. We don't have all that data for developing in the floodplain. This permit doesn't review floodplain development this permit is just for land use. The next permit following this one will get into it much deeper."

Richard Berquist asked, "Can you comment on what the general requirements allow? Is a septic system allowed in a floodway?"

Nathan Crouch answered, "Yes sir, if it is approved by the Arkansas Health Department. The septic permits don't go through the County. They go through the State. Compliance with septic requirements will be simply between the applicant and the State, and not the County."

Elizabeth Hale, Planning Commission Secretary for West Fork, addressed the Board, "I am enthusiastically in favor of the Local Ghost Distillery's request. I believe it will be an asset, not only to the City of West Fork and the surrounding areas, but especially to the various hiking/biking trails in the area and proximity to Devil's Den State Park. The proposed new park on the West Fork of the White River in Greenland. I think we can work everything out. I would urge the commission to approve the Conditional Use Permit. Thank you."

Public Comment Closed

Joel Kelsey made a motion to approve the Local Ghost Distillery CUP subject to staff recommendations. Robert Daugherty seconded. Walter Jennings recused himself. All other Board Members were in favor of approving. Motion passed.

5. Other Business

- Discussion of Current Development and Planning Department activities
- Reminder of upcoming regular Planning Board Meetings:
 - June 11, 2020
 - July 23, 2020

6. Old Business

7. Adjourn

Robert Daugherty moved to adjourn. Joel Kelsey seconded. All Board members were in favor of approving. Motion passed.

Planning Board adjourned.

Minutes submitted by: Juliana Mendoza

Approved by the Planning Board on:

_____ Date: _____
Randy Laney, Planning Board Chairman